

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Axion Power  
Plaintiff(s),

- against -

Defendant(s).

Mercatus

Sweet, D. J.

25/08  
PRETRIAL ORDER

07 Civ. 11493 (RWS)

The above entitled action has been assigned to Judge Robert W. Sweet for all purposes. Counsel are directed to meet and discuss settlement, pretrial discovery and all preliminary matters. Interrogatories shall be served in accordance with Local Rule 33.3. A letter application must be made for any interrogatory sought under Rule 33.3(b). All documents produced in response to request for documents pursuant to Rule 34, Fed.R.Civ.P. shall be produced as maintained in the usual course of business or as organized and labelled to correspond with categories requested.

If this action has been settled or otherwise terminated, counsel are directed to file or mail a stipulation of discontinuance, voluntary dismissal, or other proof of termination of the action prior to the date of the pretrial conference with Tsz Chan, Courtroom Clerk to Judge Sweet, Room 18C, U.S. Courthouse, 500 Pearl Street, New York, New York 10007; otherwise counsel are directed to appear in courtroom 18C on March 26, 08 at 4:30 pm for a pretrial conference for the purpose of discussing settlement with the court, exploring contemplated motions, stipulating facts, arranging a plan and schedule for all discovery, resolving any anticipated discovery issues, and setting a time for trial. Plaintiff(s)' counsel ARE REQUIRED TO NOTIFY COUNSEL FOR ALL PARTIES OF THIS CONFERENCE. Prior to the appearance at the pretrial conference, all counsel appearing in the action shall have exchanged discovery requests, either formally or informally, and shall resolve or present all discovery disputes.

If issue has not been joined and plaintiff(s)' counsel is unaware of the identity of defense counsel, plaintiff(s)' counsel is directed to appear at the conference EX PARTE; but if plaintiff(s)' counsel knows the identity of defense counsel, he is directed to mail a copy of this order to defense counsel forthwith.

It shall be the responsibility of the counsel now of record to show this order to the attorney appearing at the pretrial conference, trial counsel and any other attorney hereafter participating in this action. The attorney appearing at the pretrial conference must be authorized to enter into a settlement agreement and to make other appropriate stipulations.

This conference may not be adjourned without direction from the court. Failure to appear at the conference may result in termination of this action.

All mail and telephone calls concerning the calendar status of this action must be directed to the Courtroom Clerk. Any requests for interpreters must be made at least 24 hours in advance of the hearing at which such services are required by calling the Interpreters Office (805-0084).

Motions before Judge Sweet will be returnable at 12 noon on Wednesday of each week pursuant to the notice published in the New York Law Journal. Appointments for conferences, information applications or requests for emergency discovery relief must be arranged through the Courtroom Clerk.

The New York Law Journal will list actions on the trial calendar and the number of the courtroom in which Judge Sweet is sitting.

It is so ordered.

New York, N. Y.

2/5/08

  
ROBERT W. SWEET  
U.S.D.J.